United Nations S/2004/489

Security Council

Distr.: General
14 June 2004
English
Original: French

Letter dated 10 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith the communiqué of the extraordinary session of the Council of Ministers of the Democratic Republic of the Congo, held on 4 June 2004, under the distinguished chairmanship of His Excellency Major-General Joseph Kabila, President of the Republic and Head of State (see annex).

Furthermore, my Government wishes to confirm that, on 9 June 2004, the Congolese Armed Forces regained control of the town of Bukavu peacefully and without bloodshed. My Government would like to take this opportunity to assure you that it will be replying to the Security Council's appeal for the prompt and peaceful extension of State authority throughout the Congolese territory, in particular in Bukavu (S/PRST/2004/19). In this connection, my Government expresses its gratitude to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and to the eminent African and Western personalities for their efforts to find a solution to this crisis in Bukavu — for which Rwanda bears entire responsibility — aimed precisely at restoring a measure of normality to the capital of South Kivu.

My Government also wishes to bring squarely to the attention of the Security Council the content of the letter dated 3 June 2004 from the Permanent Representative of the Rwandese Republic (S/2004/452), transmitting a press release apparently issued by his Government which, inter alia, "calls upon the international community to urgently come to the assistance of the refugees present on Rwanda's territory as a result of the fighting in Bukavu", and another dated 7 June 2004 from the Permanent Representative (S/2004/459), transmitting a communiqué by the Ministry of Foreign Affairs and Cooperation of the Rwandese Republic concerning the unilateral and arbitrary closure of the common border between the Democratic Republic of the Congo and the Rwandese Republic.

With regard to the foregoing:

1. My Government reiterates its accusation of renewed aggression by Rwanda, in flagrant violation of the Charter of the United Nations and the relevant provisions of all the Security Council resolutions on the situation in the Democratic Republic of the Congo. In this connection, my Government wishes to point out to the international community that, since 1996, the Government of the Rwandese Republic has had the

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unfortunate and unique privilege of being the only one in the world that does not know where its own regular troops are operating;

2. My Government strongly reaffirms that it has no hidden agenda in Rwanda. The inherent right of individual or collective self-defence if an armed attack occurs is enshrined in Article 51 of the Charter of the United Nations. The Government of Rwanda should get used to the idea that, despite the scale and diversity of the Congolese national territory, and despite the treachery of some prominent compatriots, Congolese solidarity, nurtured by a national feeling of patriotism and by shared values, is unfailing. Let it be affirmed, in speech and in writing, that Rwanda's dream and fantasy of annexing Grand-Kivu will never materialize. The protest movements throughout Congolese territory against the takeover of Bukavu by the insurgents supported by the Rwandan Army and the outpouring of joy when the loyalist troops returned to Bukavu should remind Rwanda that the importance of national unity to the Congolese people is not a frivolous platitude but rather an immutable reality which, sooner or later, Kigali will have to face;

3. My Government calls on the international community not to be fooled by Rwandan manipulation. On the one hand, there is the victim of aggression, namely, the Democratic Republic of the Congo, and, on the other hand, there are the aggressors, the most blatant of which continues to be the Rwandese Republic, whose Government is shamelessly labouring under the illusion that it is being persecuted;

4. As for the unilateral and arbitrary closure of the common border, my Government requests the Security Council to ensure that it is lifted by the Government of the Rwandese Republic, if only temporarily, for the following reasons:

   (a) To facilitate, with the assistance of the Office of the United Nations High Commissioner for Refugees (UNHCR), the return, in complete security, of all Congolese nationals who have fled the fighting in Bukavu instigated by Rwanda;

   (b) To ensure that Rwanda returns former Colonel Jules Mutebusi and his military traitors from the former rebel movement Congolese Rally for Democracy (RCD/Goma), today a part of the Government of National Unity and Transition — who found refuge in Rwanda and sufficiently demonstrated to the world their capacity to cause harm and impede the current peace process — so that they may be held accountable for their acts under the Congolese justice system; and

   (c) To ensure the return to Rwanda of the armed Rwandan elements remaining in the territory of the Democratic Republic of the Congo;

5. My Government requests the Security Council to take note of paragraph 8 of the annex to document S/2004/459, in which the Government of the Rwandese Republic threatens regional peace and security, and, accordingly, to take such preventive measures against Rwanda as are

consistent with its authority under the Charter of the United Nations in order to dissuade it.

My Government deplores the fact that, while all successive Governments of Rwanda since 1994 had no difficulty in recognizing the reality of Rwandan genocide, even if it was entirely the making of the Rwandans without any outside assistance, that of President Paul Kagame has never expressed the slightest regret, let alone the slightest remorse, for the 4 million Congolese who died as a result of his attack of 2 August 1998. Surely, the senior leaders of the current Government in Rwanda (and not the people of Rwanda, who are our brothers and friends) must know that, sooner or later, they will be facing the thorny issue of justice and reparation for the Congolese people.

Lastly, my Government wishes to remind the Security Council of the special case of former General Laurent Mihigo Nkunda. Far be it from us to even think of dwelling on his admission that he was mistaken about what was happening in Bukavu and that there had been no pogrom; nonetheless, this military traitor must be brought to justice for his avowed involvement in the Kisangani massacres of May 2002 as well as all those deaths in Bukavu as a result of his "error". Any compromise of principle would be regrettable and prejudicial to both national and international justice.

My Government would be grateful if you would have this letter, together with its annex, circulated as a document of the Security Council.

(*Signed*) Ileka **Atoki**
Ambassador
Permanent Representative

Annex to the letter dated 10 June 2004 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Democratic Republic of the Congo

Ministry of the Press and Information

Report of the extraordinary meeting of the Council of Ministers held on Friday, 4 June 2004, at the Cité de L'Union Africaine in Kinshasa

Under the distinguished chairmanship of His Excellency Major-General Joseph Kabila, President of the Republic and Head of State, the Government of Transition held its 34th meeting on Friday, 4 June 2004, at the Palais de la Nation in Kinshasa.

The agenda included a single item, namely, the security situation of the country, especially the occupation of the town of Bukavu by Rwandan troops.

After hearing the report of the Minister of the Interior, Decentralization and Security on the subject, together with additional information from the Minister for Foreign Affairs and International Cooperation, and following deliberations and debates, the Council of Ministers took the following steps:

1. The Government reiterates the position it took following the extraordinary meeting of the Council on Wednesday, 2 June 2004, condemning in the strongest terms the violation of the territorial integrity and sovereignty of the Democratic Republic of the Congo by Rwanda in defiance of the relevant provisions of the Charter of the United Nations and resolutions of the African Union;

2. The Government holds the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), which has troops on the ground, responsible for protecting the population of Bukavu and for putting an end to all acts of mass violation of human rights, selective killing, rape and pillage;

3. MONUC is also responsible for ensuring that Nkunda, Mutebusi and all other insurgent elements are disarmed;

4. MONUC must also oversee the withdrawal of Rwandan army troops from the Democratic Republic of the Congo;

5. The Government thanks the international community and the Congolese people for their assistance and support. The Government will take all necessary steps to restore the legality and authority of the State in the town of Bukavu, in particular by putting in place the regular army of the 10th Military Region, and with the help of the National Police, the Judiciary and other State services and the effective installation of the recently appointed Governor and Vice-Governors;

6. The Government will speed up the army's participation in reorganizing the regular troops so as to face the many challenges involved in protecting the territorial integrity, national sovereignty, territorial reunification and restoration of State authority over the whole country in order to permit the organization of free, democratic and transparent elections within the time specified in the Comprehensive and Inclusive Agreement;

7. The Minister of Human Rights has been instructed to inform the bodies of the United Nations system about the massive violations of human rights in the town of Bukavu by insurgents and elements of the Rwandan army;

8. Once again, the Government deplores the loss of human lives and material destruction, and calls on the population to remain calm and to respect law and order and the laws of the Democratic Republic of the Congo.

Thank you.

Kinshasa, 4 June 2004

Vital **Kamerhe**
Minister of the Press and Information

United Nations S/2004/490

Security Council

Distr.: General
16 June 2004
English
Original: Arabic

Letter dated 11 June 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

The signing of the Declaration concerning the peace protocols by the Government of the Sudan and the Sudan People's Liberation Movement in Nairobi on 5 June 2004 constitutes an outstanding landmark in the modern history of the Sudan that was welcomed by the Sudan, the African continent and the international community alike.

In this context, resolution 1547 (2004), adopted by the Security Council today, constitutes an embodiment of the interest of the international community in this important development.

As a confirmation by my country of the significance and future implications of that historic event, I would have addressed to you the annexed letter, having expressed the wish to take part in the debate with a statement, under article 37 of the provisional rules of procedure and in accordance with the Council's earlier practice in similar cases. We were somewhat taken aback, however, by your decision that permission for us to participate in the session did not entitle us to deliver a statement, on the grounds that there was no precedent for it. We are aware, however, that numerous precedents exist and that this would be in no way contrary to the regulations. I met with you in person shortly before the start of the session in order to re-examine your decision and you promised to consult the members of the Council with a view to a decision on the matter. We were surprised to find that the session was held, as you know, without our being given an opportunity to deliver our statement.

We believe we have the right to give a statement during the session, considering that the members agreed to our participation in it. Regarding your address to the members in that regard at the start of the session, when you mentioned permission for the delegation of the Sudan to participate in the discussion, what does "participate in the discussion" mean? Does it simply mean sitting and listening without proffering a word by way of participation in the discussion? I am sorry to have to express to you feelings of profound distress and disappointment over your decision to deprive a Member State of participation in the debate on a vital issue concerning its fate, for this is totally at odds with the most fundamental rules of justice and transparency. I wish to transmit to you herewith the statement of the Sudan on the topic of today's session.

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I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Elfatih **Erwa**
Permanent Representative

Annex to the letter dated 11 June 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Statement by Ambassador Elfatih Erwa Permanent Representative of the Sudan to the United Nations

before the Security Council
at the session at which the resolution on peace in the Sudan was adopted

New York, June 2004

In the name of God, the Merciful, the Compassionate

Mr. Chairman,

It is a pleasure for me to speak to this august Council today about a historic event that we have long awaited. Indeed, the untiring efforts of the Government of the Sudan and the Sudan People's Liberation Movement and the continuous and much appreciated support of the Intergovernmental Authority on Development (IGAD) under the sponsorship of Kenya and our other friends in the international community were crowned with the signing by the two parties, last 27 May, of six protocols, an event which signifies agreement between the parties on all the issues constituting the foundations of peace. All they need do now is incorporate all the protocols signed since the 2002 Machakos Protocol into a comprehensive agreement. Consequently, what took place at Naivasha signals the end of the war that has plagued my country for decades.

The achievement of this peace that fills us with happiness today was long awaited. We realized that the lengthy process of negotiation sometimes involved frustrations, but we were also aware that lasting peace must be complete and comprehensive, leaving no loose ends, so as to avoid greater frustrations in the future owing to unresolved flaws in the accords. Perhaps one of the main factors that make us optimistic that the peace will last is that the Government of the Sudan and the Sudan People's Liberation Movement, the signatories to the peace accord, will shortly become partners in a single Government that will watch over the implementation of the agreement.

Mr. Chairman, since the issuance of the first presidential statement of your august Council, we in the Sudan have engaged in constant consultations with the Secretariat of the United Nations. Those consultations have been characterized by close cooperation, dialogue and full transparency, with a view to bringing about mutual understanding of the role to be undertaken by the Organization in supporting the implementation of the signed peace accord. Though that role is to be defined by the parties in a comprehensive peace agreement, I am happy to express our complete satisfaction with the results derived from our consultations with the United Nations up to now and with the method and the approach adopted by the Department of Political Affairs and the Department of Peacekeeping Operations in the related preparations and planning.

The draft resolution before you refers to paragraph 22 of the Secretary-General's report, which speaks of the existence of other foci of tension that may cast their shadow over the peace process in the Sudan. I assure you that the Government

of the Sudan is eager and determined to deal with the situation in Darfur and elsewhere, for it is absolutely convinced that peace in the country consists of a whole that cannot be broken into parts. Here I refer specifically to the statement by the President of the Republic, Omer Hassan Ahmed al-Bashir, to the effect that peace will not be complete without a peaceful settlement of the problem of Darfur.

Over the years, the Government of the Sudan has constantly called for a ceasefire as a key to the creation of a suitable climate for peace negotiations. Time has shown the wisdom of that view through the peace process in the South, where the total cessation of warring activities over the past two years helped to create the necessary climate for the provision of humanitarian aid, the elimination of the suffering of the citizens and the peaceful negotiation of a solution, leading us to the present historical juncture.

Consequently, as we seek to achieve a peaceful settlement of the problem of Darfur, we believe in the importance of a ceasefire to permit the provision of humanitarian assistance to those in need and the return of refugees and displaced persons to their own regions; to enable the Government to neutralize unruly groups and promote respect for the State; and, even more important, to create a wholesome climate for peace negotiations, as has taken place in the South. I wish to reaffirm to you my Government's commitment to the ceasefire agreement and its wholehearted desire for the success of the ceasefire monitoring mechanism under the supervision of the African Union in Darfur.

On the subject of threats to the peace process and stability in the Sudan, as we commend the spirit of cooperation shown by the countries of the region we may at the same time draw attention to references in paragraph 10 of the Secretary-General's report to the role of neighbouring countries in spoiling the process. We are referring to one neighbouring State in particular, namely Eritrea, which has insisted on remaining an instrument of sabotage of peace in the Sudan, seeking to encourage, embrace, prepare and equip groups bent on disrupting its security and stability. President Omer al-Bashir referred to this in his statement to the African Union. We appeal to the Council not to be unmindful of such activities and to take the necessary action to discourage and put a stop to them.

The raising of banners of peace in the Sudan will enable my country to devote itself to using its efforts to build the Sudanese nation and achieve well-being for the Sudanese people. It will enable the Sudan to assume an effective role in the African context, supporting and encouraging the winds of change sweeping over the Continent under the leadership of the fledgling African Union and promoting the New Partnership for Africa's Development, in which the people of the Continent have placed their hope for a bright tomorrow.

Peace, which is our concern here today, will also enable the Sudan to interact constructively with the international community at all levels — politically and economically as well as in the area of peace and security. We feel confident that the international community, which has stood by the side of the Sudan through years of war, encouraging its efforts towards peace and making memorable contributions to the alleviation of the war's humanitarian consequences, will continue its solidarity with my country in its journey on the path of peace and reconstruction. I assure you that you will find in the Sudan a faithful and responsible partner.

Thank you, Mr. Chairman.